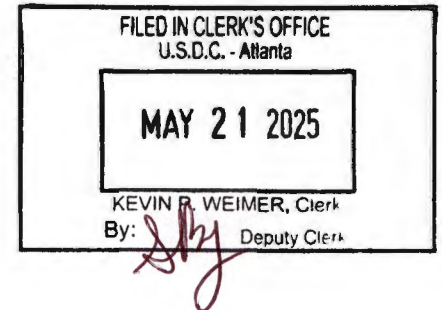


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NATALIE SOTO,
Plaintiff,

v.

WENDELL HOLMES, JR.,
Defendant.



Civil Action No. 1:24-cv-02911-SDG

**DEFENDANT'S RESPONSE TO PLAINTIFF'S BRIEF REGARDING
THE PROCEDURAL IMPROPRIETY OF DEFENDANT'S SECOND
MOTION FOR SUMMARY JUDGMENT [DOC. 76]**

COMES NOW, Defendant Wendell Holmes, Jr., pro se, and respectfully submits this response to Plaintiff's Brief [Doc. 76] regarding the procedural propriety of Defendant's Second Motion for Summary Judgment [Doc. 69], showing the Court as follows:

1. On April 21, 2025, Defendant timely filed his initial motion for summary judgment [Doc. 57]. Due to a combination of time constraints, technical difficulties with uploading multiple files, and limited legal experience as a pro se litigant, Defendant's first motion did not include certain required materials, including a Local Rule 56.1 statement and key supporting exhibits.

2. Recognizing this oversight, Defendant submitted a second motion for summary judgment [Doc. 69] on April 28, 2025. The second motion simply corrected the procedural deficiencies of the first by consolidating the arguments, attaching necessary exhibits, and including the Rule 56.1 statement.

3. Defendant acknowledges that he previously stated his intent to file a motion for leave and regrets the delay in submitting this formal request. However, Defendant now contemporaneously files a Motion for Leave to File the Second Motion for Summary Judgment (Out of Time) and respectfully asks the Court to accept it in the interest of fairness and judicial efficiency.

4. Defendant's actions were taken in good faith. There was no intent to mislead the Court or to "recycle" arguments, but rather to ensure full compliance with procedural requirements after realizing the omissions.

5. Courts have discretion to accept late filings upon a showing of good cause. Defendant submits that his pro se status, technical limitations, and prompt corrective efforts constitute such cause.

WHEREFORE, Defendant respectfully requests that the Court deny Plaintiff's request to strike or disregard his second summary judgment motion, and instead accept it as procedurally proper upon the granting of Defendant's contemporaneous Motion for Leave.

Respectfully submitted,

This 21 day of May, 2025.



Wendell Holmes, Jr., Pro Se

Mableton, GA 30126

404-664-2943

wendellholmesjr@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on this 21 day of May, 2025, I served a true and correct copy of the foregoing NOTICE OF FILING SUPPLEMENTAL EXHIBIT E IN SUPPORT OF DEFENDANT'S RESPONSE, along with attached Exhibit E, upon counsel of record for the Plaintiff by electronic mail and/or U.S. Mail, postage prepaid, addressed as follows:

Joseph W. Weeks
McNALLY WEEKS
125 Clairemont Ave., Suite 450
Decatur, GA 30030
jweeks@mcnallyweeks.com



Wendell Holmes, Jr., Pro Se

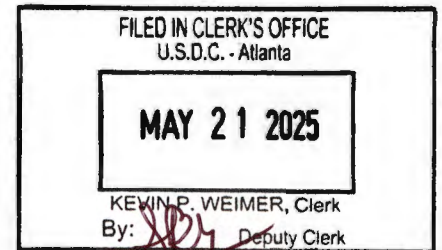
DEFENDANT'S SECOND MOTION FOR SUMMARY JUDGMENT

Filed by:

Wendell Holmes, Jr.

Pro Se Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION



Case No. 1:24-cv-02911-SDG

Natalie Soto, Plaintiff,

v.

Wendell Holmes, Jr., Defendant.

This filing is submitted as Exhibit A in support of Defendant's:

- Motion for Leave to File Second Motion for Summary Judgment,
- Response in Opposition to Plaintiff's Motion for Summary Judgment,
- Amended Counterclaim.

EXHIBIT LIST

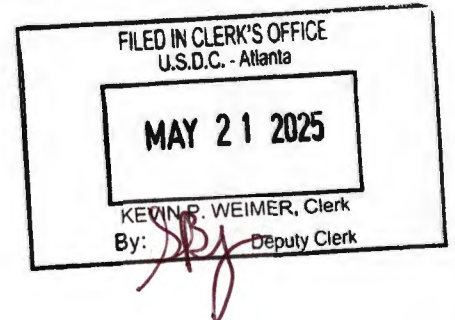
Defendant respectfully incorporates by reference the exhibits previously filed in this case, which are cited throughout this motion and supporting declaration. These include:

- Exhibit A (Doc. 69-1): Photograph from the Pleasant Grove Missionary Baptist Church livestream depicting Defendant actively working at the time of his arrest.

- Exhibit B (Doc. 69-1): Screenshots and social media content contradicting Plaintiff's claims of emotional distress and showing voluntary public disclosures.
- Exhibit C (Doc. 69-1): Email correspondence from Pleasant Grove Missionary Baptist Church officially terminating Defendant's employment following the arrest.
- Exhibit D (Doc. 69-1): Financial documentation reflecting Defendant's loss of income and wages due to the termination of employment.
- Exhibit E (Doc. 77): Recent text and social media messages evidencing Plaintiff's role in orchestrating Defendant's arrest, her efforts to defame him, and her ongoing harassment. Filed on May 19, 2025.

These exhibits have been filed with the Court and are incorporated herein by reference pursuant to Fed. R. Civ. P. 10(c).

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION



NATALIE SOTO,
Plaintiff,

v.

WENDELL HOLMES, JR.,
Defendant.

Civil Action No. 1:24-cv-02911-SDG

DEFENDANT'S SECOND MOTION FOR SUMMARY JUDGMENT

COMES NOW, Defendant Wendell Holmes, Jr., pro se, and pursuant to Rule 56 of the Federal Rules of Civil Procedure, respectfully moves this Court for an order granting summary judgment in his favor on all claims brought by Plaintiff Natalie Soto, and in favor of Defendant on his counterclaims. In support of this Motion, Defendant states as follows:

1. Plaintiff's claims are unsupported by admissible evidence and rely on disputed facts that are contradicted by the record.
2. Plaintiff has failed to demonstrate any legally cognizable damages resulting from the Defendant's alleged actions.

3. Plaintiff's claims of emotional distress and reputational harm are refuted by her own social media activity and ongoing conduct, which demonstrate no signs of trauma, fear, or financial hardship.

4. Defendant's counterclaims for malicious prosecution, defamation, and intentional infliction of emotional distress are supported by credible evidence, including Plaintiff's admission that she contacted law enforcement for retaliatory purposes and spread defamatory statements about Defendant to third parties.

5. Plaintiff's misuse of the legal system, including the filing of false police reports and attempts to interfere with Defendant's employment, constitute abuse of process.

This Motion is supported by the accompanying Statement of Undisputed Material Facts, the Declaration of Wendell Holmes, Jr., and attached Exhibits A through E.

WHEREFORE, Defendant respectfully requests that the Court grant summary judgment in his favor on all claims and counterclaims, and award any such other relief as the Court deems just and proper.

Respectfully submitted,

This 21 day of May, 2025.



Wendell Holmes, Jr., Pro Se

Mableton, GA 30126

404-664-2943

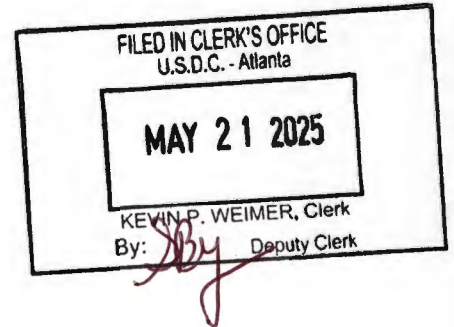
wendellholmesjr@gmail.com

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NATALIE SOTO,
Plaintiff,

v.

WENDELL HOLMES, JR.,
Defendant.



Civil Action No. 1:24-cv-02911-SDG

DEFENDANT'S STATEMENT OF UNDISPUTED MATERIAL FACTS
IN SUPPORT OF HIS SECOND MOTION FOR SUMMARY
JUDGMENT

Pursuant to Local Rule 56.1(B)(1), Defendant Wendell Holmes, Jr. submits this Statement of Undisputed Material Facts in support of his Second Motion for Summary Judgment:

1. Plaintiff Natalie Soto and Defendant Wendell Holmes, Jr. were previously engaged in a consensual friendship that ended in late December of 2023.
2. On or about February 22, 2024, Plaintiff contacted Defendant via text message demanding money and threatening to expose personal details to Defendant's wife. (See Declaration in Support of Motion for Summary Judgment)

3. After being blocked by Defendant, Plaintiff proceeded to contact Defendant's wife, sister-in-law, and church associates, sharing intimate images and making defamatory statements about Defendant. (See Exhibit E.)

4. Plaintiff admits in text messages to orchestrating Defendant's arrest on Father's Day, June 16, 2024, by contacting police while watching Defendant perform via livestream at church. (See Exhibit E.)

5. Plaintiff's actions led to Defendant's public arrest during a worship service, resulting in termination from his employment with Pleasant Grove Missionary Baptist Church. (See Exhibit A and C)

6. Defendant was subsequently unable to secure equivalent work due to reputational harm and emotional distress. (See Declaration of Wendell Holmes, Jr.)

7. Plaintiff's continued harassment includes sharing nude images of herself and another woman with a third party (E. Talley), mocking Defendant's need for an emotional support dog, and encouraging defamatory social media posts. (See Exhibit E.)

8. Plaintiff has posted multiple videos and messages online that contradict her claims of emotional and financial distress. (See Exhibits B and E.)

These facts are supported by the evidence cited herein and establish that no genuine issue of material fact exists regarding the key issues in this case.

Respectfully submitted, this 21 day of May, 2025.



Wendell Holmes, Jr., Pro Se

CERTIFICATE OF SERVICE

I certify that on this date I served a copy of the foregoing on all counsel of record via the Court's CM/ECF system and by email to:

Joseph W. Weeks
McNALLY WEEKS
125 Clairemont Ave., Suite 450
Decatur, GA 30030
jweeks@mcnallyweeks.com

This 21 day of May, 2025.



Wendell Holmes, Jr.

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NATALIE SOTO,

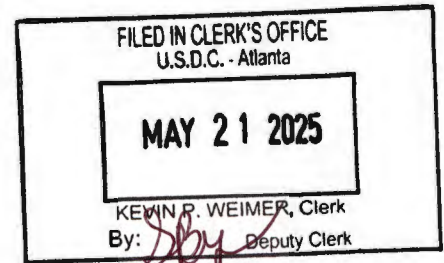
Plaintiff,

v.

WENDELL HOLMES, JR.,

Defendant.

Civil Action No. 1:24-cv-02911-SDG.



DEFENDANT'S DECLARATION IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

I, Wendell Holmes, Jr., declare under penalty of perjury that the following statements are true and correct to the best of my knowledge, information, and belief.

1. My name is Wendell Holmes, Jr., and I am the Defendant in the above-captioned case. I make this Declaration based on my personal knowledge.
2. I did not unlawfully or intentionally distribute any intimate images of Plaintiff with the purpose of harassment, intimidation, or harm.
3. After months of no communication between Plaintiff and me, Plaintiff contacted me demanding money for a veterinary surgery and threatening to contact my wife if I did not comply.
4. When I refused Plaintiff's monetary demands, she began contacting members of my family, including my wife and sister-in-law, and threatened to publicly expose me.
5. Plaintiff also posted derogatory information about me on social media, falsely portraying me in a negative light to the public.
6. Plaintiff's online postings and contacts with my family caused significant emotional distress, reputational harm, and disruption to my personal and professional life.

7. Plaintiff contacted my employer, Pleasant Grove Missionary Baptist Church, and as a result of her actions, I was arrested during a church service on June 16, 2024, and subsequently terminated from my employment. As a direct consequence of Plaintiff's actions, I suffered reputational harm, lost my primary source of income, and experienced significant emotional distress.
8. Prior to my termination, I earned \$400 per Sunday service, totaling approximately \$1,600 per month, with additional income from extra services, teaching, studio recording, and musical gigs, often paid in cash.
9. The public nature of my arrest, combined with Plaintiff's online conduct, made it extremely difficult for me to secure future employment opportunities as a self-employed musician, including church work, private events, studio recording, and teaching opportunities.
10. I respectfully submit this Declaration in support of my Motion for Summary Judgment and in opposition to Plaintiff's claims.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21 day of May, 2025.



Wendell Holmes, Jr., Pro Se

5934 Rosie Lane, SE

Mableton, GA 30126

wendellholmesjr@gmail.com

CERTIFICATE OF SERVICE

I certify that on May 21, 2025, I filed this Response via email, which will serve:

Joseph W. Weeks

McNALLY WEEKS

125 Clairemont Ave., Suite 450

Decatur, GA 30030 jweeks@mcnallyweeks.com

